IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.962 OF 2006
IN
CRIMINAL APPEAL NO.841 OF 2006

Shankar Wanmalli Panchal and others ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.S.V.Marwadi for the Applicants
Mr.S.R.Shinde A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 13,2006.

P.C.:

1. I have heard the learned Senior Counsel for the Applicants and the learned A.P.P. for State on the last date. This Application for bail is preferred by the original accused Nos.2,3 and 4 who are the Appellants in the Appeal. By the Judgment and Order dated 4th September 2006, the present Applicants have been convicted of the offence punishable under section 307 read with section 34 of the Indian Penal Code and substantive sentence is of seven years R.I. Accused No.1 Shankar is convicted for the offence under section 307 of the said Code and he is also convicted for the offence under section 324 of the said Code. The present Applicants along with accused No.1 are also convicted for offence punishable under section 342 of the said Code. The present Applicants were on bail throughout the trial.

2. I have perused the notes of evidence on record. P.W.No.1 Dinesh has specifically stated that accused No.1 had assaulted him with an iron rod. He has made a general statement that all accused persons were possessing weapons in their hands.

P.W.No.2 Shri V.S.Tripathi stated in his evidence that at the time of incident there was a darkness but he could see the incident in the lights of one of the cars. He has stated that accused No.1 gave a blow on his head with iron bar. He has merely stated that accused Nos.2 to 4 assaulted him on his person. He has not stated that accused Nos. 2 to 4 assaulted him by using any particular weapon. Thus, it appears that the prosecution has ascribed a serious role to the accused No.1. So far as the present Applicants are concerned, as stated earlier, they were on bail throughout the trial. No antecedents have been brought on record. In normal course, Appeal is not likely to be heard in near future.

3. Considering the facts and circumstances of the case, the Applicants deserve to be enlarged on bail on stringent conditions :

i) The Applicants shall be enlarged on bail in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one or two local sureties in the like amount.

ii) The bail is granted subject to the condition that the Applicants will report to Dahanu Police Station, District Thane once in every calendar month till the disposal of the Appeal.

.Parties to act upon an authenticated copy of this order :

JUDGE